IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSADAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No. 17758 OF 2005

Between:

Mogalapu Satyanarayana & Anr. … Petitioners

Versus

The Revenue Divisional Officer,

Rajahmundry, East Godavari District,

& Anr. … Respondents

Counsel for the Petitioners : Mr.K.VENKATESH

Counsel for the Respondents: GP FOR REVENUE

O R D E R:

This writ petition is filed questioning the action of the respondents in not passing any order on the representation dated 23-5-2005 submitted by the petitioners to make necessary corrections in the pattedar passbooks in respect of the land inRS.No.275 situate at Muramanda village, Kadiam Mandal, East Godavari district, as illegal, arbitrary and consequently direct the respondents to consider their representation.

The case of the petitioners is that their father late Ganiraju during his life time acquired agricultural land in an extent of Acs:6-13 cents in RS.No.275 situate at Muramanda village, Kadiam Revenue Mandal, East Godavari district. During his life time late Ganiraju executed a settlement deed dated 06-4-1959 devolving interest upon their mother as well as the petitioners to share the property equally i.e., each brother will get Acs:2-04 cents. Thereafter, the revenue authorities issued pattedar passbooks bearing Nos. D-167128, D-167129 and D-167130. While issuing passbooks, it is mentioned by the revenue authorities that the first petitioner is having only Ac:1-37 cents in RS.No.275 of Muramanda village instead of Acs:2-04

cents. Similarly in the case of second petitioner, it is mentioned in the pattedar passbook, the extent of land is mentioned as Acs:2-24 cents instead of Acs:2-04 cents. Whereas in the case of his other brother, Mr.Lakshminarayana, the extent mentioned in the passbook as Acs:2-39 cents instead of Acs:2-04 cents. Therefore, taking advantage of the entries made in the pattedar passbook of the brother of the petitioners, Mr.Lakshminarayana is trying to encroach in the lands of the petitioners and creating problems within their family circle.

While things stood thus, the petitioners made a representation dated 23-5-2005 along with Photostat copies of pattedar passbooks settlement deed etc., to the respondents requesting them to make suitable corrections in the pattedar passbooks of the petitioners with regard to the entries made in respect of the land belongs to them. Thereupon, the first respondent issued notice dated 14-6-2005 calling upon the petitioners to appear on 20-6-2005 in his office and all the parties were present and necessary documents have been submitted. But the first respondent did not pass any order either considering or rejecting the said representation. Therefore, the petitioners filed the present writ petition.

Considering the facts and circumstances of the case and taking into consideration the submissions made by the learned counsel for the petitioners, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage with a direction to the respondents to consider and dispose of the representation dated 23-5-2005 submitted by the petitioners pursuant to the settlement deed executed by their father, seeking necessary corrections in the pattedar passbooks in respect of the land in RS.No.275 situate at Muramanda

village, Kadiam Mandal, East Godavari district and pass appropriate order on merits and in accordance with law, within four weeks from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioners.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 11th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.